

REMARKS

Summary of the Office Action

Claims 1-17 are pending in the instant application.

Claims 1-17 have been rejected under the nonstatutory double patenting doctrine over claims 1-37 of Roos et al. U.S. Patent No. 5,699,276.

Further, claims 7 and 14-17 have been rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness; claims 1-10 under 35 U.S.C. § 102(e) as anticipated by Davis et al. U.S. Pat. No. 5,898,387 ("Davis"); claims 11-13 as anticipated by either Davis or Jarman et al. U.S. Appln. No. 2003/0167178 ("Jarman"); and claims 14-17 under 35 U.S.C. § 103(a), as rendered obvious by either Davis or Jarman in further view of either (I) Cavanaugh, 204 Electrical World 5 (1994) ("Cavanaugh") or Karny et al. U.S. Appl'n. No. 2002/0144509 ("Karny"), or, (II) Ehlers U.S. Pat. No. 5,572,438 (Ehlers) or Loy U.S. Pat. No. 5,940,009 ("Loy").

The Examiner has also noted informalities in the drawings and in the specification.

Summary of Applicant's Reply

Applicant proposes corrections to FIGS. 3, 6 and 7 as shown on the attached drawing sheets. Applicant believes that these proposed corrections overcome all of the objections to the figures that are noted in the Office Action.

Applicant has further amended the specification to correct informalities noted by the Examiner.

Applicant respectfully traverses at least in part the double patenting rejection of claim 1-17. Applicant notes that the Examiner apparently considers the subject matter of claims 14-17 to be new matter as of September 21, 2000 (See e.g., Office Action, paragraph 8.2.1). Thus, the subject matter of at least these claims does not overlap with the claims of co-invented and co-assigned U.S. Patent No. 5,699,276. Applicant respectfully proposes that the Examiner hold the double patent rejection in abeyance at least until there is a clear indication of which claims in this application are otherwise allowable. Applicant will then submit a Terminal Disclaimer in compliance with 37 CFR 1.321(c) so that the term of the allowed patent claims in the instant application that have doubly patented subject matter, does not extend beyond the term of U.S. Patent No. 5,699,276.

Applicant has amended claims 1, 7, 11, 12 and 14, and added new claims 18-21 to further clarify his invention. In particular, claims 11, 12 and 14 have been amended to depend on claim 1 by inclusion of a step which requires use specifically of the data port apparatus of claim 1.

Applicant respectfully traverses 35 U.S.C. § 112 rejections and the prior art rejections of claims 1-17.

§ 112 Rejections

Claims 7 and 14 have been rejected under § 112 as lacking proper antecedent basis in the specification.

As described in the Amendments to the Specification section, applicant has amended the specification to provide proper antecedent basis for the objected to terms. Further, as described in the Amendments to the Drawings section, proposed FIGS. 3 and 6 now show all of the claimed elements of claims 7 and 14.

Applicant respectfully submits that claims 7 and 14 (and their dependent claims) now confirm to all requirements of § 112.

Prior art Rejections

Independent claim 1 has been rejected as being anticipated by Davis. Applicant respectfully submits that Davis does not show at least the "computer" elements of claim 1.

Applicant's invention relates to a data port interface apparatus connected between a communications network and a utility user's household or structure. The elements of the claimed data port interface apparatus, according to claim 1, include,

"a computer disposed within said utility meter housing or meter box and connected to said utility meter, said computer providing an interface between said communications network and a device located internal to said utility user's household and able to process information received over said communications network for use in said device."

Applicant notes that unlike Davis's mere passive interface card or interface card receiving area, the computer of claim 1 is a "signal processing processor." (See e.g., specification "signal processing computer 370," page 10 line 10). Applicant's signal processing computer is described in the specification as: "[T]he computer may include a video processor and/or descrambler for television services, a modem processor for data services, and a voice processor for telephone services. The computer may also include a meter interface for remote meter reading. The meter interface may be coupled to a circuit breaker box equipped with triacs or solid state switches for load management. The computer may further include a personal computer (PC) interface

coupled to the other various processors and interfaces." (See specification page 9-12, and also see FIG. 3).

In contrast, Davis describes a modular gateway box, which can be attached to an electric utility meter housing. (See e.g., Davis, Figures. 2-4, Abstract, etc.). As noted by the Examiner, the modular gateway box has sockets or area for holding multiple WAN or LAN interface cards. (See e.g., Office Action, paragraph 8.1.1.) The WAN/LAN interface cards may bridge external WAN communication networks and an in-home LAN network. (See e.g., Davis col. 1 lines 14-20, and col. 1 line 65- col. 2 lines 24). However, Davis does not teach show or suggest a "signal processing" computer or processor disposed in the utility meter housing as required by applicant's claim 1. In particular, Davis does not teach, show or suggest a so-disposed computer that is connected to the utility meter, or a so-disposed computer that provides an interface between networks, or a so-disposed computer that is able to process information.

Similarly, neither Jarman nor the other references of interest (i.e., Cavanaugh, Karny, Ehlers or Loy) cited by the Examiner teach, show or suggest the foregoing elements of claim 1.

Accordingly, claim 1 is patentable over Davis and these other references. Further claims 2-21 which depend from claim 1 also are patentable.

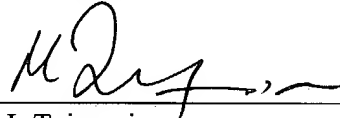
Conclusion

For the reasons set forth above, applicant respectfully submits that this application is now in condition for allowance. Reconsideration and prompt allowance of which are requested. If there are any remaining issues to be resolved, the applicant requests that the Examiner contact the undersigned attorney for a telephone interview.

Respectfully submitted,

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By: _____



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